

22 July 1953

OGC/1650

## OGC HAS REVIEWED.

Memorandum for: Acting Deputy Director (Administration)

Via: DD/P/ADMIN

From: Office of General Counsel 25X1A9a

Subject: Proposed Special Contract for [REDACTED]

Reference: Memorandum for DD/A from C/FE, same subject, dated  
1 June 1953

25X1A9a 1. The referenced memorandum requests the approval of the Deputy  
Director (Administration) of the writing of a special contract for [REDACTED] 25X1C4c  
25X1A9a [REDACTED]. Facts in justification of contracting with [REDACTED] are 25X1A9a  
25X1A6a set forth; and it is stated that he presently is a full-time employee of the [REDACTED]  
Mission in [REDACTED]

25X1A9a 2. On the assumption that [REDACTED] is not being paid two thousand,  
five hundred dollars per annum, or more, by [REDACTED] this office perceives no legal  
objection to the drafting of the proposed contract so long as, pursuant to Section  
7.3(a), of the Confidential Funds Regulations, it has been determined that such  
contract is

25X1A9a ".....justified as essential for urgency emergency purposes."  
However, in the event that [REDACTED] is being paid this sum, or more, per  
annum by MSA, a different dispensation obtains.

3. Section 62, of Title 5, USC, 43 Stat. 245 (1924), in relevant part,  
provides:

"Sec. 62. Holding other lucrative office. No person who holds  
an office the salary or annual compensation attached to which  
amounts to the sum of two thousand five hundred dollars shall  
be appointed to or hold any office to which compensation is  
attached unless specially authorized thereto by law."

~~SECRET~~  
SECURITY INFORMATION

Thereafter certain exceptions are made in favor of retired officers of the Army or Navy who either are elected to public office or appointed thereto by the President; retired enlisted men of the Army, Navy, Marine Corps or Coast Guard and retired officers of these same services who have been retired for injuries received in battle. Sections 65 and 66 of Title 5, USC, 42 Stat. 373 (1922) and 43 Stat. 1108 (1925) further exempt Bureau of the Budget employees and Library of Congress employees from the restriction as retired officers of the Army, Navy, Coast Guard and Marine Corps prescribed in Section 62. This section has been construed to prevent dual compensation of government employees, Pack v. U.S., 41 Ct. of Cl. 414 (1906).

25X1A9a 4. The referenced memorandum does not state the compensation presently  
being received from <sup>25X1A</sup> [REDACTED] by [REDACTED] Nor does it identify him as a possible exception to Section 62 of Title 5, set out above. However, we have been in-  
25X1A9a formally apprised of <sup>25X1C4c</sup> [REDACTED] <sup>25X1A6a</sup> compensation being in excess of \$2500.00. And as the record declares him to be a [REDACTED] national, we consider it unlikely that he would have had prior military service with the United States in any capacity. Assuming this information and this conclusion to be correct, it is our opinion that this Agency is precluded from contracting with Mr.  
25X1A9a [REDACTED] by the provisions of Section 62 of Title 5, USC, because, under such a contract, he would be accepting dual compensation from the United States.

25X1A9a  
[REDACTED]

Attachment